



Sen. Chris Lauzen

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1 AMENDMENT TO SENATE BILL 2933

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2933 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Sections 2-3-6 and 2-3-18 as follows:

6 (65 ILCS 5/2-3-6) (from Ch. 24, par. 2-3-6)  
7 Sec. 2-3-6.

8 (a) Except as provided in subsection (b), upon ~~Upon~~ the  
9 filing of such a petition with the circuit clerk, the court  
10 shall hear testimony and rule that the area under consideration  
11 is or is not a village in fact. The ruling of the court shall be  
12 entered of record in the court. If the court rules that the  
13 area does not constitute a village in fact, the petition to  
14 incorporate the area as a village is denied and no subsequent  
15 petition concerning village incorporation of any of the land  
16 described in the earlier petition may be filed within one year.  
17 If the court rules that the area does constitute a village in  
18 fact, such court shall enter an order so finding and the  
19 proposition shall be certified and submitted to the electors of  
20 such area in the manner provided by the general election law.  
21 The proposition shall be in substantially the following form:

22 -----  
23 Shall the territory (here YES  
24 describe it) be incorporated as -----

1 a village under the general law? NO

2 -----

3 The result of the election shall be entered of record in  
4 the court. If a majority of the votes cast at the election  
5 favor incorporation as a village under the general law the  
6 inhabitants of the territory described in the petition are  
7 incorporated as a village under this Code with the name stated  
8 in the petition.

9 (b) For a petition for incorporation filed in a county with  
10 a population of more than 400,000 but less than 500,000 as  
11 determined by the last preceding federal census, the following  
12 procedures shall apply. After the filing of the petition, the  
13 circuit court shall fix an initial date for hearing on the  
14 petition, which shall be not more than 30 nor less than 20 days  
15 after the filing of the petition, or 60 days following the  
16 effective date of this amendatory Act of the 94th General  
17 Assembly, whichever date shall last occur. The petitioners  
18 shall give notice of the incorporation petition not more than  
19 30 nor less than 15 days before the date set for hearing. The  
20 notice shall state that a petition for incorporation has been  
21 filed and give the substance thereof including the name of the  
22 proposed village, a description of the territory to be  
23 incorporated, the approximate total land area of and the  
24 approximate number of persons residing within the territory as  
25 determined by the last federal census, and the date fixed for  
26 hearing. This notice shall be given by publication thereof at  
27 least once in one or more newspapers published in the proposed  
28 village, or if no newspaper is published therein, then in one  
29 or more newspapers with a general circulation within the  
30 proposed village.

31 Not less than 5 days prior to the date fixed for the  
32 initial hearing on the petition, any person owning real  
33 property or residing within the territory described in the  
34 petition or any other interested person may file with the

1 circuit clerk his or her objections (1) that the petition does  
2 not comply with the requirements of the statutory Section under  
3 which it is filed, the objections specifying in what regard the  
4 petition does not comply, (2) that the owner of real property  
5 located on the perimeter of the proposed village, or property  
6 which becomes on the border upon the exclusion of an adjoining  
7 subdivision, does not desire incorporation and requests  
8 exclusion from the proposed village, or (3) that the persons  
9 filing a group objection constitute a majority of the owners of  
10 record of land within a recorded subdivision and a majority of  
11 the electors, if any, residing within the subdivision, that the  
12 subdivision is located on the border of the proposed village or  
13 is separated therefrom by property owned by a forest preserve  
14 district, or will be on the border upon the exclusion of an  
15 adjacent subdivision a majority of the owners of record, and  
16 electors, if any, of which have also filed a group objection  
17 pursuant to this item (3), do not desire incorporation and  
18 request exclusion from the proposed village. No appearance or  
19 filing fee shall be required if the objection is based solely  
20 on item (2) or (3). The clerk of the circuit court may  
21 prescribe a form to be used for perimeter objections. No  
22 signature executed prior to the effective date of this  
23 amendatory Act of the 94th General Assembly shall be considered  
24 defective by reason of predating that effective date.

25 The cause shall be heard without further pleadings.  
26 Objections may be amended upon leave of court after the  
27 determination of objections under items (2) and (3), or for  
28 other cause as provided in the Code of Civil Procedure. At the  
29 hearing, petitioners and any objector may be heard in person or  
30 by counsel. The court may adjourn the hearing from time to time  
31 as justice may require.

32 At the hearing, the court shall first hear and determine  
33 all objections and requests for exclusion under items (2) and  
34 (3). If the property of the objector or objectors is located on

1 the perimeter of the proposed village and the exclusion of the  
2 objector's territory will not destroy contiguity of the  
3 remaining territory, the court shall sustain the objection, and  
4 the petition and the legal description of the territory to be  
5 incorporated shall be amended accordingly. For purposes of an  
6 objection under item (2), two or more parcels may be combined  
7 in one objection so long as the combined territory is located  
8 on the perimeter. After the amendment of the petition, no  
9 further proceedings shall be had unless and until the county  
10 board shall have made the finding or findings required by  
11 Section 2-3-18 of this Code.

12 If the petitioners fail to prove the allegations of the  
13 petition, the petition shall be dismissed, but if the  
14 petitioners prove the allegations of the petition, the court  
15 shall enter an order making findings of fact in accordance with  
16 the proof adduced. The order shall also designate the election  
17 at which the question of incorporation shall be submitted.

18 The court shall certify its order and the proposition to  
19 the proper election authorities to be voted upon by the  
20 electors residing in the territory in the manner provided in  
21 the general election law. The proposition shall be in  
22 substantially the following form:

23 "Shall the territory (here describe it) be incorporated as  
24 the village of (name) under the general law?"

25 The election authority must record the votes as "Yes" or  
26 "No".

27 The results of the election shall be entered of record in  
28 the court. If a majority of the votes cast at the election  
29 favor incorporation as a village under the general law, the  
30 inhabitants of the territory described in the petition are  
31 incorporated as a village under this Code with the name stated  
32 in the petition.

33 (Source: P.A. 83-343.)

1 (65 ILCS 5/2-3-18) (from Ch. 24, par. 2-3-18)

2 Sec. 2-3-18.

3 In any county of between 150,000 and 1,000,000 population  
4 which has adopted an official plan under "An Act to provide for  
5 regional planning and for the creation, organization and powers  
6 of regional planning commissions", approved June 25, 1929, as  
7 amended, the county board, by resolution, may provide that  
8 before the question of incorporating a village under this  
9 Division is submitted to the electors in response to a petition  
10 filed under Section 2-3-5, 2-3-5a, or 2-3-10 the county board  
11 must first determine that (1) the proposed incorporation is  
12 compatible with the official plan for the development of the  
13 county, and (2) the lands described in the petition as intended  
14 to be embraced in the village constitute a sufficient tax base  
15 as will insure the ability of the village to provide all  
16 necessary municipal services to its inhabitants; provided  
17 that, as to any petition filed after July 1, 2005 that is  
18 pending on or after the effective date of this amendatory Act  
19 of the 94th General Assembly, in a county with a population of  
20 more than 400,000 but less than 500,000 as determined by the  
21 last preceding federal census, whenever the area proposed for  
22 incorporation contains more than 10,000 inhabitants as  
23 determined by the last preceding federal census, and the  
24 equalized assessed valuation of the area during the calendar  
25 year immediately preceding the year in which the petition to  
26 incorporate is filed is not less than \$40,000 multiplied by the  
27 number of inhabitants within the territory proposed to be  
28 incorporated, as determined by the last preceding federal  
29 census, (i) it will be conclusively presumed that the lands  
30 described in the petition constitute a sufficient tax base to  
31 ensure the ability of the village to provide all necessary  
32 municipal services to its inhabitants, and no finding of the  
33 county board shall be required as to the tax base or ability to  
34 provide municipal services, and (ii) any provision of the

1 official plan of the county that requires a showing of ability  
2 to provide such municipal services shall be deemed satisfied;  
3 provided further that, as to any such petition filed after July  
4 1, 2005 in a county with a population of more than 400,000 but  
5 less than 500,000 as determined by the last preceding federal  
6 census, the court shall make the determination of the  
7 applicability of the presumption provided in this Section only  
8 after the amendment of the petition to exclude all territory  
9 that has requested exclusion under Section 2-3-6 of this Code.  
10 No county with a population of more than 400,000 but less than  
11 500,000 as determined by the last preceding federal census  
12 shall be required to provide any municipal services to a  
13 village that has been incorporated without a determination of  
14 the county board as to the ability of the proposed village to  
15 provide such services having been made prior to the submission  
16 of the question of incorporation to the electors. When such a  
17 resolution is in effect, the court in which such a petition is  
18 filed shall first require a showing that the required ~~those~~  
19 determinations have been made by the county board. If no such  
20 showing is made, the court shall deny the petition. If such a  
21 showing is made, the court shall proceed as provided in Section  
22 2-3-6 or 2-3-11, as the case may be.

23 (Source: P.A. 76-676.)".

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.".